

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH BROWN,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendant.

CASE NO. 2:22-cv-00206-TL

ORDER OF DISMISSAL

This matter comes before the Court *sua sponte*. On March 8, 2021, Plaintiff Elizabeth Brown (“Plaintiff”) filed a *pro se* complaint against the United States Department of Education (“Defendant”). Dkt. No. 1-1. The complaint purports to arise under 41 U.S.C. § 6503, which in turn involves contracts governed by 41 U.S.C. § 6502. These statutes pertain to requirements for contracts with the United States government “for the manufacture or furnishing of materials, supplies, articles, or equipment, in an amount exceeding \$10,000.” 41 U.S.C. § 6502. Plaintiff also filed an application to proceed *in forma pauperis* (Dkt. No. 1), which was granted (Dkt. No. 4). Having reviewed Plaintiff’s complaint, the Court finds that Plaintiff fails to state a

1 claim upon which relief may be granted. The Court further finds that amendment would be futile
2 and DISMISSES the complaint with prejudice.

3 The Court's authority to grant *in forma pauperis* status derives from 28 U.S.C. § 1915.
4 Upon permitting a plaintiff to proceed *in forma pauperis*, the Court is subject to the requirements
5 set forth under 28 U.S.C. § 1915(e)(2)(B). Among these requirements is the Court's duty to
6 dismiss the plaintiff's case if the Court determines that the complaint fails to state a claim upon
7 which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B); *see also Lopez v. Smith*, 203 F.3d
8 1122, 1129 (9th Cir. 2000) ("[S]ection 1915(e) applies to all in forma pauperis complaints, not
9 just those filed by prisoners").

10 "The legal standard for dismissing a complaint for failure to state a claim under 28 U.S.C.
11 § 1915(e)(2)(B)(ii) is the same as when ruling on dismissal under Federal Rule of Civil
12 Procedure 12(b)(6)." *Day v. Florida*, 2014 WL 1412302, at *4 (W.D. Wash. Apr. 10, 2014)
13 (citing *Lopez*, 203 F.3d at 1129). Rule 12(b)(6) requires the court to assume the truth of the
14 complaint's factual allegations and credit all reasonable inferences arising from those allegations.
15 *Sanders v. Brown*, 504 F.3d 903, 910 (9th Cir. 2007). The plaintiff must point to factual
16 allegations that "state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*,
17 550 U.S. 544, 568 (2007). Where a plaintiff proceeds *pro se*, the court must construe the
18 plaintiff's complaint liberally. *Johnson v. Lucent Techs. Inc.*, 653 F.3d 1000, 1011 (9th Cir.
19 2011) (citing *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010)). If a plaintiff fails to meet the
20 plausibility standard, the court is permitted to dismiss for failure to state a claim. Generally,
21 courts will allow a *pro se* plaintiff to amend a complaint in lieu of dismissal unless amendment
22 would be futile because no set of facts can cure the deficiencies. *Yagman v. Garcetti*, 852 F.3d
23 859, 867 (9th Cir. 2017).

1 Here, Plaintiff claims that her daughter forged her signature on a FAFSA form submitted
2 to Defendant in 2016. Dkt. No. 5 at 6. On March 3, 2016, Plaintiff reported the matter to police
3 in Concord, Massachusetts, who advised her “to file a report with FAFSA.” *Id.* She then
4 contacted Defendant to report the matter and was assigned a case number. *Id.* Plaintiff claims
5 that Defendant “neglected to resolve” the case, and that her daughter “was never brought to
6 justice in a court of law for fraudulently signing [Plaintiff’s] name on the FAFSA form.” *Id.*
7 Plaintiff goes on to detail the ways in which her relationship with her daughter has been strained,
8 which has caused internal family strife. *Id.* at 6-9. Plaintiff further explains that these events have
9 contributed to her struggles with mental health. *Id.* at 7.¹ Plaintiff seeks monetary damages from
10 Defendant in the amount of \$9,000,000, including \$6,000,000 in punitive damages, \$2,000,000
11 for damages resulting from her not being invited to her daughter’s wedding, and \$1,000,000 for a
12 potential creditor who may seek reimbursement from her, presumably for money her daughter
13 received in the form of financial aid for college based on the allegedly forged FAFSA form. *Id.*
14 at 5.

15 Plaintiff asserts claims under 41 U.S.C. § 6503. However, Plaintiff’s claims purport to
16 arise under federal statutes meant to protect rights guaranteed to employees of federal contractors.
17 *See* 41 U.S.C. §§ 6502, 6503. Plaintiff is not an employee of federal contractors. Further,
18 Plaintiff has no authority to sue under these statutes. *See Ali v. Asura Ins. Servs.*, 2016 WL
19 8731060, at *2 (E.D. Cal. June 24, 2016); *see also United States v. W.H. Kistler Stationery Co.*,
20 200 F.2d 805, 806 (10th Cir. 1952) (cause of action under Title 41 of the United States Code

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24 ¹ The Court notes that the crux of the facts alleged in Plaintiff’s Complaint largely mirror those from a case that she
previously filed in this Court. *See Brown v. United States Department of Education*, Case No. 2:21-cv-00326-RAJ,
Dkt. Nos. 4, 10. That case was dismissed with prejudice because the Court found that Plaintiff failed to provide any
factual basis to support a constitutional due process claim under either the Fifth or Fourteenth Amendments in either
her original or amended complaints. *Id.* at Dkt. No. 11.

1 “belong[s] to the government alone”); *U.S. v. Lovknit Mfg. Co.*, 189 F.2d 454, 457 (5th Cir.
2 1951) (“[N]o one may sue for a breach of these contracts in any respect except the United States
3 through the Attorney General.”). Pursuant to § 1915(e)(2)(B)(ii), the Court must therefore
4 dismiss Plaintiff’s complaint for failure to state a claim upon which relief can be granted.
5 Finding further that amendment would be futile, as no set of facts could cure the deficiency, the
6 Court DISMISSES WITH PREJUDICE Plaintiff’s complaint.

7 IT IS SO ORDERED.

8 Dated this 8th day of March 2022.

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Tana Lin
United States District Judge